

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
Plaintiff, ) 8:13CR318  
vs. )  
KINGSLEY ONUMBU, )  
Defendant. ) ORDER

This matter is before the court on the motion to continue by defendant Kingsley Onumbu (Filing No. 22). Onumbu seeks a continuance of the trial of this matter which is scheduled for October 28, 2013. Onumbu's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted upon the condition Onumbu files the affidavit required by NECrimR 12.1(a) within seven business days of this order.

**IT IS ORDERED:**

1. Onumbu's motion to continue trial (Filing No. 22) is granted.
2. Trial of this matter is re-scheduled for **December 9, 2013**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 23, 2013, and December 9, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 23rd day of October, 2013.

BY THE COURT:  
s/ Thomas D. Thalken

United States Magistrate Judge